

**CITY CHARTER
OF
CITY OF CALLAWAY, FLORIDA**

ARTICLE I. CORPORATE EXISTENCE, FORM OF GOVERNMENT AND CHARTER

Section .01 Continuance of City as Commission-Manager Form of Government

The City of Callaway, Florida shall continue to be a body politic and corporate under the name of the City of Callaway, Florida and, as such, shall have perpetual succession. The City of Callaway shall hereafter exist as a "Commission-Manager" form of government.

Section .02 Description of Corporate Boundary

The area described in Appendix A of this Charter shall constitute the corporate boundary of the City of Callaway as of the date of adoption of this Charter. Such boundary may from time to time be amended as provided for by law

Section .03 General Powers of City

The City of Callaway shall have all the governmental, corporate and proprietary powers to enable it to conduct municipal government, perform municipal functions, and render municipal services as provided by subsection (b) of Section 2 of Article 8 of the Constitution of the State of Florida and by Section 166.021 of the Florida Statutes and may exercise any power for municipal purposes except as expressly prohibited by law or this Charter.

Section .04 Construction

The powers of the City of Callaway shall be construed liberally in favor of the City, limited only by the Constitution, general and special law, and specific limitations in this Charter.

ARTICLE II. CITY COMMISSION

Section 2.01 Composition of City Commission

There shall be a City Commission for the City of Callaway which shall be the governing body of the City and in which shall be vested all corporate and legislative powers of the City. All legislative powers vested in the City Commission shall be exercised by Ordinance. Administrative powers as are conferred upon the City Commission by this Charter shall be exercised by resolution. Internal determinations and communications from the City Commission may be by motion.

There is hereby created a City Commission to consist of five (5) commissioners of which one (1) commissioner shall be elected from each of the four wards and one (1) commissioner to be Commissioner-at-Large who shall be the Mayor. The Commission shall constitute the governing body with powers as herein provided to pass ordinances, adopt resolutions, appoint a chief administrative officer to be known as the "City Manager" and to exercise all other powers herein provided or otherwise accepted except as expressly prohibited by the law or this Charter.

Section 2.02 Continuation of Office

The members of the City Commission holding office on the effective date of this Charter shall continue in office until the expiration of their terms and until their successors are qualified and elected. The Mayor and Commissioners from Wards 3 and 4 shall be elected at the regular City election to be held in June, 1996; and Commissioners from Wards 1 and 2 shall be elected at the regular City election to be held in June, 1998.

Section 2.03 Vacancies, Filling of Vacancies

A. Vacancies

The position of an elected official shall become vacant in accordance with general law or if an elected official is absent from four (4) consecutive regular commission meetings without being excused by the Commission prior to the fourth (4th) consecutive absence.

B. Filling of Vacancies

1. Mayor. A vacancy in the Mayor's position shall temporarily be filled by the Mayor Pro tempore until the next regularly scheduled election. At such time the Mayor Pro tempore shall return to his duly elected office.

2. Commissioners. A vacancy in a Commissioner's position shall be filled by a majority vote of the remaining members of the Commission until the next regularly scheduled election. In the event two or more persons receive the same number of votes, such persons shall draw lots to determine who shall fill the vacancy.

3. Lack of Quorum Due to Vacancies. If at any time the membership of the Commission is reduced to less than a quorum due to vacancies, the Governor shall appoint interim Commissioners who shall serve until a special election is called by the Commission and Commissioners are elected to fill such vacancies. The terms of the Commissioners elected at such time shall be staggered so as to conform to Section 4.04 of this Charter. Any person appointed to fill a vacancy must possess all the qualifications required for elections to such office.

Section 2.04 Qualifications for Elected Office

Members in the elected offices of the City Commission shall have the following

qualifications:

A. In addition to all the requirements imposed by State law, elected officials and candidates for elected office shall be qualified electors of the City.

B. Members elected from wards must have resided for at least thirty-six (36) months immediately prior to the day of the election within the City limits of the City of Callaway, Florida and at least six (6) months immediately prior to the day of the election within the ward for which they are candidates. The Mayor may reside in any ward, but must have resided for at least thirty-six (36) months immediately prior to the day of the election in the city limits of the City of Callaway, Florida. A Commissioner shall forfeit his office if he moves his place of residence from the ward from which elected. The Mayor shall forfeit his office if he moves his place of residence from within the City limits of the City of Callaway, Florida.

C. The powers and duties of the Mayor and the Commissioners shall be such as are conferred upon them by the City Commission pursuant to the provisions of this Charter, and no others.

Section 2.05 Mayor

The Mayor shall preside at all meetings of the Commission and perform such other duties consistent with his office as may be imposed by it; and he shall have a voice and a vote in the proceedings of the Commission, but not veto power. He may use the title of Mayor in any case in which the execution of legal instruments of writing or other necessity arising from the general laws of the State shall require, but this shall not be considered as conferring upon him the administrative or judicial functions as a Mayor under the general laws of the State. He shall be recognized as the official head of the City by the courts for the purpose of serving civil

processes, by the government in the exercise of military law, and for all ceremonial purposes.

Section 2.06 Mayor Pro Tempore

At its first meeting following each regular election or vacancy the City Commission shall select from among its members, a Mayor Pro tempore who shall serve until next regularly scheduled election. The Mayor Pro tempore so chosen, shall, in the absence or disability of the Mayor, preside over the meetings of the City Commission and perform all the duties and exercise all the authorities of the Mayor. In the event of the absence of the Mayor and Mayor Pro tempore, the Commission shall elect one of its members as presiding officer and to perform the duties of the Mayor. In the event the Mayor vacates the office, the Mayor Pro tempore shall temporarily fill the office of the Mayor.

Section 2.07 General Powers of City Commission

All powers of the City shall be vested in the City Commission except those powers specifically given to the Charter Officers or specifically reserved by this Charter to the electors of the City.

ARTICLE III. OFFICERS AND EMPLOYEES

Section 3.01 Designation

The City Manager and City Clerk are designated charter officers.

Section 3.02 Appointment

The charter officers shall be appointed by the Commission and shall serve at the pleasure of the Commission subject to the provisions of Section 3.03 of this Article.

Section 3.03 Removal

To remove a charter officer, the Commission shall adopt a preliminary resolution

stating reasons for the intended removal and shall offer the charter officer an opportunity for a public hearing before the Commission on the matters raised by the resolution. This preliminary resolution may also suspend the charter officer from duty immediately with pay. The charter officer must either accept the offer of a public hearing or file a written response within ten (10) days of the adoption of the preliminary resolution. Failure to respond shall constitute a waiver of such right and the resolution shall become final at the expiration of this ten (10) day period and the charter officer's employment shall be terminated on that date. If the written response disputes the allegations of the resolution or a public hearing is requested, a hearing shall be held not earlier than ten (10) days nor later than twenty (20) days after the adoption of the preliminary resolution, unless agreed to otherwise by the City Commission and the charter officer. After such public hearing the Commission shall adopt a final resolution of removal or let the preliminary resolution lapse.

Section 3.04 City Manager - Appointment; Term; Qualifications and Compensation

Prior to the appointment of a City Manager by the City Commission, and in the absence of an appointed City Manager, all duties and responsibilities of the office of City Manager, as defined herein, are vested in the City Commission.

A City Manager may be appointed by the City Commission for an indefinite term and shall serve at the pleasure of the City Commission. A City Manager shall be chosen solely on the basis of executive and administrative qualifications.

The City Manager shall devote his entire time to the duties of the office of City Manager and shall not directly or indirectly be engaged in any other business of a public or private character.

The City Manager shall receive such compensation as the City Commission shall determine.

Section 3.05 City Manager - Powers and Duties

The City Manager shall be the chief administrative officer of the City and shall be responsible to the City Commission for the administration of all City affairs placed in his charge by this Charter or by ordinances of the City. To that end, the City Manager shall have the following powers and duties:

To ensure that all laws, provisions of this Charter, ordinances and other acts of the City Commission, subject to enforcement by him or by his subordinates, are faithfully executed.

2. To appoint, supervise, discipline, demote, suspend or remove any City employee or appointed administrative officer, except the City Clerk and the City Attorney, when he deems it necessary for the good of the City, subject to City ordinances and resolutions.

3. To direct, supervise and be responsible for the administration of all departments, divisions, offices and positions of the City government, and he may delegate to subordinate officers and employees those powers which are necessary or expedient to the proper management, control and function of such departments, divisions, offices and positions.

4. To attend all meetings of the City Commission.

5. To recommend to the Commission for adoption such measures as he may deem necessary or expedient in the interest of the City.

6. To keep the City Commission fully advised as to the financial condition and needs of the City and to submit for its consideration an annual budget.

7. To perform such other duties as may be prescribed under this Charter or as may be required of him by ordinance or resolution of the City Commission.

8. To purchase services, supplies, materials and equipment subject to City ordinances and resolutions; provided that such purchases are otherwise in conformance with the requirements of this Charter and general law. The City shall not be liable for any service, supply, material or equipment furnished to the City unless the City Commission shall make an appropriation therefor. No contract shall be let for the construction of public improvements except in accordance with the directions of the City Commission.

9. To sign such contracts, bonds and agreements of the City as required by this Charter or ordinances of the City or as directed by the City Commission.

10. To be responsible for the collection of all revenues and monies due the City and he shall maintain proper records of such collections. He shall have the authority to disburse funds appropriated by the City Commission and shall maintain proper records of such disbursements.

11. To maintain a uniform system of accounts in which shall be entered all financial transactions of the City. He shall establish and require the maintenance of a uniform system of accounting for each administrative department, division, office or position of the City, and may audit such accounts at his discretion.

12. To perform such other duties as may be prescribed under this Charter or as may be required of him by ordinance or resolution of the City Commission and may, if so appointed, perform those duties and exercise the powers of the City Clerk.

13. To designate a qualified City administrative officer to assume and exercise the

powers and duties of his office during his temporary absence or disability. The person so selected shall be designated "Acting City Manager." During the temporary absence or disability of the City Manager, the City Commission may revoke such designation at any time and appoint another qualified administrative officer of the City to serve as acting City Manager until the return to duty of the City Manager.

Section 3.06 City Clerk - Powers and Duties

The City Clerk shall give notice of all City meetings to the Commissioners and the public as required by law and shall attend all such meetings in person or by designee and shall keep minutes of the proceedings. The City Clerk or his deputy shall authenticate by signature and be custodian of this Charter, all ordinances, resolutions, and other City documents and shall perform such other duties as required by law or by the Commission.

He shall issue all warrants for payment of money by the City; shall keep an accurate account of all taxes and assessments and all monies due to, and all receipts and disbursements by, the municipality; and shall keep an accurate account of all City assets and liabilities and of all appropriations made by the City Commission. He shall submit to the City Commission each quarter a complete and comprehensive report covering the receipts and expenditures and the financial condition of the City. He shall furnish the City Manager at any time such reports, data and information as may be necessary to fully inform the latter as to the financial affairs of the City, furnishing him such estimates of the expenses of the City government as may be necessary to form the basis of the annual budget and to determine the revenue necessary to be raised each year.

The City Clerk shall be appointed by the City Commission and shall hold office

at the pleasure of the City Commission. The compensation of the City Clerk shall be as determined by the City Commission.

Section 3.07 City Attorney - Powers and Duties

The City Commission may appoint a City Attorney who shall serve at the pleasure of the City Commission and the provisions of Section 3.03 regarding removal shall not apply. The person appointed to fill the office of City Attorney shall be an attorney at law in good standing, licensed to practice in the State of Florida. The compensation of the City Attorney shall be as determined by the City Commission. Nothing contained herein shall prohibit the City from retaining the services of a law firm for legal representation.

The City Attorney shall represent the City, its agencies, boards, commissions, authorities, officers and employees in all matters relating to their official duties as directed by the City Commission.

Section 3.08 Commission-Employee Relationship

Neither the City Commission nor any of its members, either individually or collectively, shall exercise any authority over any officer or employee of the City subordinate to the City Manager. Except as provided in this Charter, neither the City Commission nor any of its members, either individually or collectively, shall direct or request or participate in the appointment, discipline, demotion, promotion, suspension or removal of any administrative officer or employee under the City Manager or his subordinates. Any inquiry pertaining to any position, function, power or duty of an administrative officer or employee, shall be directed to the City Manager.

ARTICLE IV. ELECTIONS

Section 4.01 Qualified Electors

Any citizen of the United States who is a registered elector of Bay County, Florida, and who resides within the City of Callaway shall qualify as an elector of the City of Callaway.

Section 4.02 Conduct Generally

A. Except as otherwise specifically provided by this Charter, all elections held by the City shall be conducted in accordance with all applicable provisions of the Florida Election Code.

B. Regular elections for the offices of Mayor and City Commissioner shall be held on the first Tuesday after the first Monday in June, 1996. The elections will be held thereafter on the same Tuesday of every even numbered year. Each candidate for City Commissioner and Mayor shall be elected at large. The electors shall be entitled to vote for one candidate for the office of Commissioner from each ward and for one candidate for the office of Mayor. The candidate receiving the highest number of the votes cast for that particular office shall be elected.

Section 4.03 Wards

The City Commission shall by ordinance divide the City into four (4) wards.

Section 4.04 Term of Commissioners

The Mayor shall be elected and serve for a period of four (4) years and until his successor is duly elected and qualified. The remaining commissioners shall be elected and serve for a period of four (4) years, and until their successor is duly elected and qualified, but their term shall be staggered so that two (2) Commissioners shall be elected at each biannual election

of the City This provision shall not affect the term of the existing Commissioners, except as herein provided. All Commissioners, including the Mayor, shall take office at 12:00 noon on the first Friday following their election

Section 4.05 Oath of Office

After election or appointment and before taking office, each member of the Commission or charter officer of the City shall swear or affirm,

"I do solemnly swear or affirm that I am duly qualified to hold office under the Constitution of the State and under the Charter of the City of Callaway; that I will support, honor, protect and defend the Constitution and Government of the United States and of the State of Florida; and that I will well and faithfully perform the duties of (title of office) on which I am now about to enter, so help me God."

ARTICLE V. FINANCIAL PROCEDURES

Section 5.01 Fiscal Year

Each fiscal year of the City shall begin on the first day of October and shall end on the last day of September

A. Appropriation Required

No monies of the City shall be disbursed except pursuant to appropriations as made or amended by the City Commission

B. Preparation

Each year, the City Manager shall prepare and submit to the City Commission a proposed budget for the ensuing fiscal year. Such proposed budget shall contain a complete plan for all City funds and financial activities for the ensuing fiscal year and shall include such details and be in such form as required by this Charter, state law and the City

Commission.

C. Public Hearing Upon Receipt of the Proposed Budget

The City Commission shall call a public hearing to consider the criticisms, recommendations and suggestions of the citizens of the City relative to such proposed budget. In calling such public hearing, the City Commission shall give at least seven (7) days' notice of the time, place and purpose of such public hearing by publication once in a newspaper of general circulation within the City, or by posting at the City Hall and two locations designated by the City Commission. A copy of the proposed budget shall be made available for public inspection at the office of the City Clerk for at least one week prior to the date on which the public hearing is scheduled

D. Action by Commission

After completion of the public hearing, the City Commission shall adopt the budget as submitted or after making such changes and amendments as it deems necessary for the proper and economical operation of City government. Final City Commission action on the budget for the ensuing fiscal year shall be completed by September 30.

E. Amendment After Adoption

The City Commission shall have the power to amend the budget at any time to utilize excess funds, to increase appropriations, to transfer funds or for any other purpose.

F. Emergency Expenditures

The City Manager is authorized to expend monies beyond those provided for in the budget for emergency purchases to procure necessary supplies and services to handle emergency circumstances which require immediate action for the protection of the health, safety

or welfare of the City or a sector thereof. The City Manager shall exercise such authority only in the manner and within the limits established by the City Commission and only if a special meeting of the City Commission is not possible. The City Manager shall report any such expenditure at the next meeting of the City Commission, whether it be a regular or special meeting.

Section 5.02 Deposit and Investment of City Funds

The City Commission shall, at its discretion, designate banks or trust companies as City depositories. The City Commission may establish rules and regulations governing deposits and withdrawals and security deposits and other safeguards for City funds so deposited. Any such depository shall be qualified to accept and receive public deposits as provided for by law.

All monies collected or received by officers and employees shall be given to the City Manager or the appropriate officer or employee designated by the City Manager for deposit in the City depositories.

Any City funds or deposits not currently needed for public purposes may be invested in short term United States Bonds, Treasury Notes or Bills, or other investments as authorized by law.

Section 5.03 Disbursement of City Funds

City funds shall be withdrawn from City depositories only upon presentation of checks drawn and signed by the City Manager or such subordinate of the City Manager as the City Commission may designate. A countersignature shall be required on all disbursements.

Section 5.04 Contracts, Licenses, Permits, Etc

No promise or representation of any kind by any officer or employee of the City

shall be binding upon or enforceable against the City nor create an estoppel, an implied contract, or any liability against or upon the City, unless ratified or embodied in a contract, permit, license, approval, consent or other instrument issued pursuant to and in accordance with an ordinance of the City.

Every contract made by or on behalf of the City shall be in writing, approved as to form and legality by the City Attorney, approved by the City Commission, signed by the City Manager and attested by the City Clerk or his designee.

Section 5.05 Competitive Bidding

A. Required

Except as provided herein no purchase by or on behalf of the City requiring an expenditure in excess of that limit the Commission may adopt from time to time by ordinance or resolution shall be awarded, let or made except through competitive bidding after the advertisement for bids in the form and manner provided by the resolutions or ordinances of the City. No purchase or the quantity thereof shall be split for the purpose of avoiding the requirements of this Section. Any item(s) sought to be purchased by the City, which are available on a state purchasing contract, need not be the subject of competitive bids. The provision shall not prohibit the City from seeking bids on any such item.

B. Purchase on Failure to Receive Bids

When no bids are received and the City Commission determines that additional requests for bids are unlikely to produce responses, the City Commission may authorize the purchase, at the best obtainable price, of such products or services as are available on the open market.

C. Professional Services

Contracts for professional services, including but not limited to architects, attorneys, accountants, engineers and surveyors, may, upon approval by the City Commission, be entered into without competitive bidding except as provided for by general law. The City Commission shall review the qualifications, work history and other relevant data before the contracts for such services are rendered.

ARTICLE VI. CHARTER AMENDMENTS

Section 6.01 Charter Amendments

This Charter may be amended in accordance with the provisions relating to Charter Amendments as specified in the Municipal Home Rule Powers Act, Chapter 166, Florida Statutes, or its successor. The form, content and certification of any petition to amend shall be as established by ordinance.

ARTICLE VII. TRANSITION

Section 7.01 Continuation of Ordinances

All Ordinances in force on the effective date of this Charter, to the extent not inconsistent with it, shall remain in force until repealed or amended.

Section 7.02 Repeal of Former Charter Provisions

All Charter provisions in effect prior to the effective date of this Charter, except those provisions which established the municipal corporation known as the City of Callaway, Florida, are hereby repealed.

Section 7.03 Pending Matters

All rights, claims, actions, orders, contracts and legal or administrative proceedings involving the City shall continue and remain in full force and effect except as modified pursuant to the provisions of this Charter.

Section 7.04 Existing Rights, Obligations, Duties, Relationships and Power.

All right, title and interest in property, uncollected taxes due, claims, judgments, decrees, liens, suits, actions and choses in action held or owned by the existing City shall pass to and are hereby vested in the City as continued under this Charter. All rights, obligations, duties and relationships now existing by law or agreements between the City and other governmental units shall be unaffected and shall remain in full force and effect. No debt or obligation of the City shall be impaired as a result of the adoption of this Charter and all such debts and obligations shall pass to and be binding upon the City, re-organized and continued by this Charter. The powers and authority existing pursuant to any charter act of the Special Laws of Florida continue in effect.

Section 7.05 Rights of Officers and Employees

Nothing in this Charter, except as otherwise specifically provided, shall affect or impair the rights, privileges or immunities of those who are City officials or employees at the time of the adoption of this Charter. Elected officials shall continue to hold their offices for the terms prescribed by the Charter of the City in effect on the date of their election.

Section 7.06 Transition Ordinances and Resolutions.

The City Commission shall adopt such ordinances and resolutions as are required to effect the transition necessitated by the adoption of this Charter.

Section 7.07 Severability

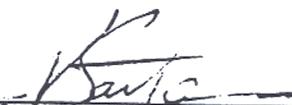
If any article, section, paragraph, sentence, clause, phrase or word of this Charter is, for any reason, held or declared by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such holding or declaration shall not be construed to affect those portions of this Charter not so held or declared, it being hereby declared to be the express intent of the citizens of the City of Callaway that any such unconstitutional or invalid article, section, paragraph, sentence, clause, phrase or word did not induce the ratification of this Charter and that the remaining constitutional and valid portions of this Charter would have been ratified without such unconstitutional or invalid portions.

Section 7.08 Effective Date

This Charter shall become effective upon passage if approved by a majority vote of the electors of the City voting thereon and upon the filing of the same with the Department of State after such approval.

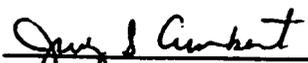
APPROVED AND ADOPTED by the citizens of the City of Callaway, Florida voting by referendum election on April 23, 1996.

CITY OF CALLAWAY, FLORIDA



James V. Sartain, Mayor Pro-Tem

ATTEST:



Judy S. Cumbest, City Clerk